



Civilians On The Battlefield

Situation: During a routine patrol in Sadr City on 04 APR 2004, Soldiers in Lieutenant Shane Aguero's platoon, members of Charlie Company, 2-5 CAV, 1st Cavalry Division, encounter hostile members of Jaish al Mahdi (JAM) [Shia militiamen loyal to Iraqi cleric Moqtada al-Sadr]. Ultimately, the Soldiers seek refuge in an alley. They break into a three-story house, clear the building, and establish a defensive position on the rooftop. Although two of the four HMMWVs belonging to the platoon broke down enroute to the alley where the platoon has taken cover, the remaining two HMMWVs, each equipped with a .50 cal machinegun, secure the ground entrance to the building. Of the 18 Soldiers in the platoon, only 15 remain combat effective: SGT Eddie Chen is KIA; SSG Stanley Haubert and Sergeant Benjamin Hayhurst are injured. For the past 45 minutes, the platoon has small arms fire and grenades from militiamen shooting from both street and rooftop level.

It is now 1845. LT Aguero, along with three members of his platoon and one Iraqi translator, are positioned with the 2 HMMWVs defending the entrance to the house the platoon has occupied. i All other members of the platoon are either inside the house or positioned on the rooftop. The rooftop position includes 2 M240 machineguns and 2 M249 machineguns.

Ethical dilemma: During a lull in the shooting, a crowd gathers in both sides of the alleyway. The alleyway is approximately 10 feet wide, limiting the number of marchers in each rank to approximately 5 people. The Soldiers note that the front rank is occupied by children. Behind them are men dressed in civilian clothes. Some are armed with AK-47s. Behind them are uniformed members of the Jaish al Mahdi (JAM). In the rear are women and elderly citizens who carry flags and banners. All marchers are shouting: "Moqtada! Moqtada!"

The crowd, located more than 100 yards from the platoon's defensive position, continues to approach. The Soldiers then begin to receive small arms fire from members of the crowd who are shooting over the heads of the children. The Soldiers continue to hold their fire.

Options:

1. Kill 'em all—let God (or Allah) sort 'em out.
2. Use available assets to deter the attacking crowd (e.g. interpreter, fire bullets in the air, etc.).
3. Fire only at people who represent a direct threat (i.e. have a weapon).
4. Do not shoot if there is danger of injuring a noncombatant.

Decision: While the Iraqi translator continues to implore the crowd to disperse, LT Aguero mentally draws a "no penetration" line 50 yards in front of his defensive position. When the crowd crosses the line, LT Aguero opens fire with his M-4 (set to three-round "burst"). LT Aguero aims four feet off the ground. When the

platoon leader opens fire, the rest of the platoon joins in. "If they don't care about their own children, I don't care either," LT Aguero tells himself as he continues to defend his position.

Result: Aguero estimated there were at least 100 dead Iraqi civilians, including children. Journalist Martha Raddatz described the scene in her book *The Long Road Home*:

Aguero and his men stopped firing and stared, stunned. It was surreal. A tangle of bodies lay in the street, some on top of one another, a cloud of acrid smoke curling over them. Aguero estimated there were at least a hundred dead, including children, stretching back over a distance of about fifty yards. Slowly at first, and then more quickly, townspeople and militiamen began collecting the bodies, dragging them by the legs or under the arms, leaving trails of blood in the street.

The U.S. Soldiers kept their weapons ready. If they spotted someone with a gun, they shot him, but if people wandered in unarmed they left them alone. Those were the laws of war. Two ambulances came to carry away some of the dead and wounded. To Aguero and his men, the quick response of medical personnel suggested that officials in the hospitals or local government agencies were complicit in the militia's assault. The sight of the ambulance crews helping the insurgents was infuriating. Here was the platoon, trapped for close to an hour, with one Soldier dead and three others wounded, and they couldn't get any help at all. Aguero gripped his weapon tighter.